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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,664	07/28/2003	Atsushi Takahashi	003913.106076	5235
29540	7590	03/23/2006		
PITNEY HARDIN LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER MANAHAN, TODD E	
			ART UNIT	PAPER NUMBER
			3732	
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,664	<b>Applicant(s)</b> TAKAHASHI, ATSUSHI	
	<b>Examiner</b> Todd E. Manahan	<b>Art Unit</b> 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☐ Claim(s) 1-8, 10, 12-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) 9 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Double Patenting***

Applicant is advised that should claim 1 be found allowable, claims 4 and 5 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Objections***

Claim 19 is objected to because of the following informalities: in line 4, “mirro” is a spelling error. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 3 and claim 8, line 1 “the monitor” lacks a prior antecedent.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 4, 5, 7, 12-14, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rakocz (United States Patent No. 6,276,934).

Rakocz discloses a dental mirror comprising a mirror 28 having a light transmitting portion 24 in the center thereof and a CCD camera secured to the back of the mirror. Images from the camera are then displayed on a monitor. The device may also include an optical fiber (see col. 6, lines 56-65) and a conduit for air (see col. 7, lines 19-25) and a light source 38.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rakocz in view of Mandelkern et al. (United States Patent Publication No. 2003/0228553).

Rakocz discloses the invention essentially as claimed except for the transmitter for transmitting images from the CCD camera. Mandelkern et al. disclose a dental camera having a transmitter so as to be operable in a wireless mode. It would have been obvious to one skilled in the art to provide the camera of Rakocz with a transmitter in view of Mandelkern et al. in order to permit the device to operate in a wireless mode.

Claims 6, 8, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rakocz in view of Spoonhower et al. (United States Patent Publication No. 2002/0118279).

Rakocz discloses the invention essentially as claimed except for the monitor being "hand mirror shaped". Spoonhower et al. discloses a dental camera having a monitor sized so as to fit in

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the hand and thus is deemed to be “hand mirror shaped”. It would have been obvious to one skilled in the art to make the monitor of Rakocz “hand mirror shaped” in view of Spoonhower et al. in order to make the system readily portable.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rakocz in view of Lake (United States Patent No. 5,951,284).

Rakocz discloses the invention essentially as claimed except for the suction hose connected to a vacuum source. Lake discloses a dental mirror having both air and suction hoses to permit suction removal of debris and saliva from the patient’s mouth and the mirror surface (see col. 2, lines 50-54). It would have been obvious to one skilled in the art to provide the device of Rakocz with a suction hose and vacuum source in view of Lake in order to permit suction removal of debris and saliva from the patient’s mouth and the mirror surface.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rakocz in view of Harvey et al. (United States Patent No. 4,568,281).

Rakocz discloses the invention essentially as claimed except for the heater. Harvey et al. disclose a dental mirror provided with a heater to prevent condensation on the mirror surface. It would have been obvious to one skilled in the art to provide the device of Rakocz with a heater in view of Harvey et al. in order to prevent condensation on the mirror surface.

***Allowable Subject Matter***

Claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 is allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd E. Manahan whose telephone number is 571 272- 4713. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571 273-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.E. Manahan  
17 March 2006

Todd E. Manahan  
Primary Examiner  
Art Unit 3732

